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RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
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S E C R E T SECTION 01 OF 02 RABAT 000850

SIPDIS

STATE FOR L, NEA, S/CT, DRL/NESCA, AND NEA/MAG
DOJ FOR JOHN EISENBERG (NATIONAL SECURITY BRANCH)
JOINT STAFF FOR COLONEL MIKE FRANKEL (J3)
OSD PLS PASS TO DEPSEC ENGLAND AND OFFICE OF DETAINEE
AFFAIRS;
NSC FOR SARAH KENDALL

E.O. 12958: DECL: 09/10/2033
TAGS: [PHUM](#) [PHSA](#) [PREL](#) [PTER](#) [MO](#)
SUBJECT: LEGAL ADVISOR'S DISCUSSION WITH MOROCCAN
INTELLIGENCE CHIEF ON U.S. GITMO POLICIES

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Classified By: Ambassador Thomas T. Riley for reasons 1.4 (b) and (d).

¶1. (C) Summary: Legal Advisor John Bellinger met with Moroccan intelligence chief Mohamed Yassinne Mansouri in Rabat on September 7 to discuss issues related to the repatriation of prisoners held in Guantanamo Bay, Cuba (GITMO). Bellinger praised Morocco's cooperation on GTMO repatriations. Mansouri underscored Moroccan efforts to achieve a balance between providing security and ensuring protections of individual rights. We believe Morocco could offer a model for other nations. End summary.

¶2. (C) In Rabat for Secretary of State Rice's visit to Morocco, State Department Legal Advisor John Bellinger met with Director General of the Directorate General of Studies and Documentation (the DGED, Morocco's external intelligence service) Mohamed Yassinne Mansouri on September 7 to discuss issues related to the repatriation of prisoners held in Guantanamo Bay, Cuba (GITMO). Bellinger explained that the U.S. had no specific requests for Morocco but wanted the GOM to be aware of issues the U.S. had raised with other Maghreb countries. Noting that President Bush has said that he would like to be able to close Guantanamo,⁸ Bellinger explained that U.S. policy continues to be to reduce the population of GTMO detainees by returning as many detainees to their countries of origin as possible, with the exception of those who would be prosecuted by military commissions or otherwise pose a security threat.

¶3. (C) Bellinger said that in conducting returns, the U.S. has two overriding goals: (1) to ensure that the detainees do not pose a threat to anyone in the future, and (2) to ensure that the detainees would be treated humanely and not subjected to torture. (Note: In order to meet concerns that a transferred detainee might pose a continuing threat to the U.S. or its allies, the USG normally seeks assurances from the receiving country that it will take appropriate steps consistent with its own laws to prevent detainees from returning to the fight. In order to meet concerns that a detainee might be mistreated following transfer, the USG seeks humane treatment and access assurances from each country where post-transfer security measures are foreseen. Security and humane treatment assurances for GTMO transfers are evaluated within DoD and State, respectively, to

determine their credibility, and transfer decisions are taken on the basis of those determinations. The State Department will not recommend that detainees be transferred to any country where we determine that they are more likely than not to be tortured. This standard derives from the USG's non-refoulement obligations under the Convention Against Torture (CAT). While the USG does not consider these obligation CAT non-refoulement obligations to apply to GITMO transfers as a legal matter, it nevertheless applies the &more likely than not8 standard as a matter of firm and longstanding policy. End Note.)

14. (S) Bellinger praised Morocco's cooperation with the U.S. in this regard, noting that Morocco had responded positively to every request made by the U.S. Bellinger said that that U.S. has not made the same level of progress with other countries in the region because of lingering questions about treatment of detainees, e.g., in Tunisia and Libya, and reluctance to accept repatriations, e.g., in Algeria).

15. (C) Mansouri said that Morocco has worked hard in recent years to strengthen its justice system in order to achieve a better balance of ensuring public security while protecting individual rights. He admitted that this balance is an ongoing challenge and is not always achieved, but nonetheless must remain the goal. He said that, like the U.S., Morocco must also meet stringent legal requirements in fighting terrorism. Also, some non-governmental organizations (NGOs) are sometimes overzealous, and appear to be lobbying on behalf of wrongdoers without an understanding of what infractions they have actually committed. While these NGOs sometimes seem like they are complicating the jobs of the security services, the government and security services fully recognize the important role they play in Moroccan society.

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16. (C) Mansouri said that in recent years Morocco has also improved its extradition efforts, particularly with European partners such as France, Italy, and to a lesser extent, the United Kingdom. He said this process has been accelerated because Morocco is able to provide credible assurances of individual protections to all of its foreign interlocutors. Mansouri underscored that Morocco is a regional leader in this regard and that it will continue to strive to raise its security and legal protection standards in the future. Bellinger noted that some human rights groups would like to prevent the practice of relying on diplomatic assurances of humane treatment and to prevent entirely extraditions or transfers of individuals to countries with poor human rights records. Accordingly, he emphasized that it is very important for Morocco and other Maghreb countries to demonstrate to NGOs and national and international courts that their nationals can be returned to them without facing the possibility of mistreatment. Mansouri thanked Bellinger for the summary he had provided on U.S. policy toward GITMO detainees and Secretary Rice's trip. Mansouri underscored the close working Moroccan-U.S. relationship in regard to GTMO repatriations and anticipated further cooperation in the future.

17. (C) Comment: We believe that Morocco's treatment of its nationals who have returned from GITMO may provide a good model for other countries. Moreover, Morocco could usefully share its experiences with other countries. End comment.

18. (U) Tripoli minimize considered.

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Riley